

General Complaint

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

Paul V. Morinville

Case Number : 4:20cv980-ALM-KPJ

VS.

Overwatch Digital Health, Inc.
BioEye LTD
Rision Limited
Clive Barrett
Emmanuel Correia

FILED

DEC 21 2020

Clerk, U.S. District Court
Texas Eastern

I. ATTEMPT TO SECURE COUNSEL:

Please answer the following concerning your attempt to secure counsel.

A. In the preparation of this suit, I have attempted to secure the aid of an attorney as follows: (circle one)

- 1. Employ Counsel*
- 2. Court - Appointed Counsel*
- 3. Lawyer Referral Service of the State Bar of Texas,
P. O. Box 12487, Austin, Texas 78711.*

B. List the name(s) and address(es) of the attorney(s):

Bryan Farney, Georgetown TX
Erick Robinson, Houston, TX

C. Results of the conference with counsel:

Attorney fees exceed the value of the case.

II. List previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts

involved in this action or any other incidents? _____ Yes X No

*B. If your answer to "A" is "yes", describe the lawsuit in the space below.
If there is more than one lawsuit, attach a separate piece of paper describing each.*

1. Approximate file date of lawsuit:

2. Parties to previous lawsuit(s):

Plaintiff _____

Defendant _____

Attach a separate piece of paper for additional plaintiffs or defendants.

3. Identify the court the lawsuit was filed. If federal, name the district. If state, name the county.

4. Docket number in other court.

5. Name of judge to whom the case was assigned.

6. Disposition: Was the case dismissed, appealed or still pending?

7. Approximate date of disposition.

III. Parties to this suit:

A. List the full name and address of each plaintiff:

Pla #1 Paul Morinville
514 Wharton Ave
Altoona, PA 16602
512-294-9563
paul@morinville.net

B. List the full name of each defendant, their official position, place of employment and full mailing address.

Dft #1: Overwatch Digital Health, Inc.
17440 Dallas Parkway
Suite 230
Dallas, TX 75287

Dft #2: BioEye, LTD.
HaTsedef St 8, Hofit
Israel

Dft #3 Rision Limited
Level 24/44 St Georges Terrace, Perth WA 6000
Australia

Dft #4 Clive Barrett
c/o Quantum Partners, Level 1, 95-97 Grafton Street Bondi Junction NSW
2022
Australia

Dft #5 Emmanuel Correia
c/o Peleton Capital Limited

Level 8/2 Bligh St, Sydney NSW 2000
Australia

IV: Statement of Claim:

State as briefly as possible the fact of your case. Describe how each defendant is involved. Include the names of other persons involved with dates and places. Do not give any legal arguments or cite cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need, attaching additional pages if necessary.

My name is Paul Morinville of Altoona, Pennsylvania. I have been involved in technology companies and technology startups since 1993. I worked as an executive at Dell Technologies, and as a CEO and other executive positions of multiple tech startups. I founded US Inventor, Inc., a lobbying firm in Washington DC advocating for startups and patent protection. I am an inventor with 9 issued patents and many pending patent applications. I am the president of SemiComm HK, a Hong Kong company licensing technology in Asia.

Prior to June 2019, Overwatch Digital Health Inc (Overwatch) had technology running on a smart watch that measured movement and, using artificial intelligence in the cloud, identified if the movement was indicative of an epileptic seizure. This market was understood, and the product was close to launch.

Also prior to June 2019, BioEye LTD (BioEye) had technology running on a smartphone that took a video recording of eye movement and pupillary reaction to light (PLR), and using the cloud, applied artificial intelligence to identify non-normal differences in eye movement and PLR. BioEye had targeted their technology to identify the early signs of cognitive degeneration. But this involved collecting data over many years, so the company would not have a sellable product for many years.

When I became involved, BioEye and Overwatch had recently completed a merger forming a new entity (Overwatch/BioEye). The merger was intended to consolidate management and funding to launch the Overwatch product, and to identify new markets for BioEye technology so that BioEye technology could be brought to market much sooner. The merger was documented, executed, and completed for all practical purposes.

Clive Barrett was an investor and board member of both BioEye and Overwatch. Emmanuel Correia was a board member of Overwatch. Both became board members of Overwatch/BioEye with responsibility for the direction of Overwatch/BioEye operationally and financially. Terry Fokas, the CEO of Overwatch was made CEO of Overwatch/BioEye and was a board member.

Rision Limited (Rision) is a company domiciled in Australia and listed on the Australian Stock Exchange (ASX). Adam Sierakowski was the CEO of Rision.

The business plan was for Overwatch/BioEye to merge into Rision in a reverse takeover (RTO) in April of 2020. Overwatch and BioEye would become brands under Rision. Rision would be publicly traded on the ASX in April 2020 with a value set at \$15,000,000 (fifteen million dollars).

In June 2019, Terry Fokas, CEO of Overwatch/BioEye contacted me to inquire if I would accept employment for BioEye to identify viable markets for BioEye technology and develop the technology for those markets. This work is generally referred to as product management and product marketing.

I was offered \$15,000 per month in salary and 2% of Rision shares upon completion of the RTO with the BioEye title of Product Manager, which was later retitled to Vice-President Product Development. The value of the promised Rision shares was \$300,000.

However, Overwatch/BioEye funding commitments to get to the RTO with Rision were limited and I was asked to delay payment of a portion of my full salary until the completion of the RTO, which at that time I would be paid in full.

I agreed with these terms and began work for Overwatch/BioEye in July 2019.

I initially received \$2,500 of the \$15,000 salary for the months of July 2019, August 2019, September 2019, and October 2019. I then received \$3,000 of the \$15,000 salary for the months of November 2019 and December 2019. Then I received \$5,000 of the \$15,000 salary for the months of January 2020, and February 2020.

In March 2020, Overwatch/BioEye was informed that, due to the Covid-19 pandemic, the RTO would be delayed until August 2020. I was informed that funding the operations of Overwatch/BioEye had not been planned for this delay. This meant that there was not enough cash to pay salaries. I was asked to continue work without pay until the RTO in August at which time I would be paid in full for all back pay and be awarded the previously agreed upon 2% of Rision.

The value of the unpaid delayed compensation was at least \$199,000. The value of the unpaid shares in Rision is \$300,000. The total unpaid compensation is \$499,000.

During my employment with Overwatch/BioEye, I was exclusive to BioEye products and none of my duties included any Overwatch products. I was given a BioEye title, BioEye business cards and a BioEye email address.

I identified, researched, tested, and developed products for three independent markets based on BioEye technology:

- a. law enforcement drug and impairment detection,

- b. concussion detection, and
- c. early-stage sepsis detection.

Each of these markets have potential market revenue exceeding \$500,000,000 per year for a total annual revenue potential exceeding \$1,500,000,000.

Each of these markets are actively being pursued by BioEye.

My employment activities included working directly with potential customers and United States government agencies to ensure that the products fit the markets. I formed requirements, use cases, technology features, and technical, training and customer documentation all of which are currently being used by BioEye.

My duties were consistent with executive level product management and marketing. I was listed in BioEye company documents, websites, and prospectuses seeking funding and the listing application submitted to the ASX as the company's Vice-President Product Development.

I am also an inventor on intellectual property related to the three afore-mentioned BioEye markets and a named inventor on BioEye patent applications that were filed with the United States Patent and Trademark Office:

Title: ENHANCED OCULOMOTOR TESTING DEVICE AND METHOD
USING AN ADD-ON STRUCTURE FOR A MOBILE DEVICE

Application No.: 16/724,356

Filing Date: December 22, 2019

Inventors: Paul Morinville; Dovi Yellin

I did not assign my rights to Overwatch/BioEye for this patent application.

The primary day-to-day management of Overwatch/BioEye was performed by Terry Fokas under the direct supervision and direction of Clive Barrett and Emmanuel Correia.

In March 2020, Overwatch/BioEye was informed that, due to the Covid-19 pandemic, the RTO would be delayed until August 2020, Clive Barrett and Emmanuel Correia directed Terry Fokas to develop BioEye technology for sideline concussion testing for the Australian Football League (AFL). I was asked to continue to develop BioEye products for the AFL. I worked to define product requirements researched AFL league protocols for concussion, medical protocols, and competitive products. I reviewed device development requirements for usability in relation to product and customer requirements and worked with two different design teams in Israel to develop a prototype device.

I was also asked to identify COVID-19 related markets for BioEye technology. I researched PLR related to disease and found that PLR readings change with the onset of sepsis, an overreaction of the body's inflammation system. Sepsis is the

primary cause of death of COVID-19 patients. Thus, I consulted experts and determined that BioEye technology could be used to identify the early onset of sepsis for patients sent home after a diagnosis of COVID-19, and this would help keep COVID-19 (as well as those suffering from other disease) patients safer by allowing medical personnel to monitor patients remotely. I formed product requirements and drove product development, wrote product and marketing documents, and applied for government grants. BioEye partnered with doctors in Italy to test the new BioEye Covid-19 product during the pandemic.

I was terminated in September 2020 and was told that Overwatch/BioEye merger would dissolve and there would be no RTO. I was told I would not be paid for my unpaid salary nor given any value for the shares that I had been promised in Rision.

However, BioEye continues to pursue the very markets I had identified with the very products I had developed using the intellectual property and documentation I created.

BioEye has contracted with the AFL to provide concussion testing. BioEye has restarted testing of the sepsis identification system in Italy. BioEye has contacted Motorola in the United States for access to the United States market for the law enforcement drug identification system.

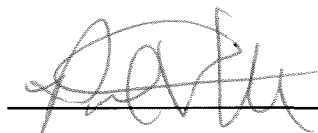
BioEye continues to prosecute the patent applications in which I am a named inventor and for which I was not paid.

V. Relief: State Briefly exactly what you want the court to do for you. Make no legal arguments and do not cite cases or statutes. Attach additional pages if necessary.

I pray the court will award my full pay according to the agreement with Overwatch/BioEye of \$499,000.

I pray the court will assign the BioEye patent solely to me.

Signed this 17th day of DECEMBER, 2020
(12)(2020)
(Month) (Year)



I declare (certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on: 17 DEC 2020

Date

A handwritten signature in black ink, appearing to be "David", written over a horizontal line.

Signature of plaintiff